

Report on the

Board of Electrical Contractors

Montgomery, Alabama



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October 19, 2011

Senator Paul Bussman
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Bussman,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Alabama Board of Electrical Contractors** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Board of Electrical Contractors** in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner:
Robin Hutcheson

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PROFILE

Purpose / Authority

The Board of Electrical Contractors was established in 1985 by Act 1985-921. Currently, the board operates under the authority of the ***Code of Alabama 1975***, Sections 34-36-1 through 34-36-18. The function of the board is to license and regulate electrical contractors. The electrical contractor licensing law received significant changes as the result of Act 2010-540, which expand the jurisdiction of the board and are summarized in **Significant Issue 2011-02**.

<u>Characteristics</u>	
Members and Selection	Nine (9) members appointed by the governor. <i>Code of Alabama 1975</i> , Section 34-36-4(c)
Term	<ul style="list-style-type: none">• 3 year staggered terms• Terms expire June 30 of the last year of the term• Limited to two consecutive three-year terms• Members serve until their successors are appointed <i>Code of Alabama 1975</i> , Section 34-36-4(c)
Qualifications	<ul style="list-style-type: none">• Seven (7) who are:<ul style="list-style-type: none">○ Who are actively engaged in the electrical construction business with electrical construction background of not less than five consecutive years, and○ Who hold certificates to validate competence as an electrical contractor in the electrical construction field.• Two (2) members appointed at large who are members of the Alabama State Electrical Workers Association. <i>Code of Alabama 1975</i> , Section 34-36-4(b)
Racial Representation	No specific statutory requirement No minority race members
Geographical Representation	Seven members - each appointed from a different congressional district <i>Code of Alabama 1975</i> , Section 34-36-4(b)
Consumer Representation	No statutory requirement No consumer members serving

Other Representation	The membership of the board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-36-4(b)																								
Compensation	Statutes provide for compensation of up to three hundred dollars (\$300) per day while performing official duties, limited to 15 days per year, plus the same travel per diem and mileage provided to state employees. Members are currently paid \$300 per day. <i>Code of Alabama 1975</i> , Section 34-36-5																								
<u>Operations</u>																									
Administrator	Keith Warren, President of Warren & Co. Inc., serves as the board’s executive director as part of his company’s professional services contract with the board. Warren & Co. also provides administrative services to the board under the same contract. The annual amount of the current contract, which expires November, 2011 is \$269,500.																								
Location	610 S. McDonough Street Montgomery, AL 36104 Office Hours Mon – Fri 8:30 am – 4:30 pm																								
Examinations	<p>National standardized, computer based exams are prepared, administered, and graded by PROV Inc. Exam fees of \$165 for Electrical Contractors and \$115 for Journeyman Electricians are paid to the board. The board pays PROV \$81.00 per exam. Examinations are held at the following locations:</p> <ul style="list-style-type: none">• Birmingham - Jefferson State Community College –Mondays at 9:00 am• Dothan - Houston Love Memorial Library –Monday – Wednesday at 10:00 am• Huntsville - Oakwood College – Tuesday at 9:00 am• Mobile - University of South Alabama – Once every 2 weeks on Wednesday at 9:00 am• Montgomery - Auburn University – Friday at 8:00 am• Sheffield - North Alabama Electrical JATC (Joint Apprenticeship Committee) –Tuesday at 9:00 am and Wednesday at 1:00 pm <table><tr><th colspan="6">Electrical Contractors</th></tr><tr><th></th><th># Candidates</th><th># Passed</th><th>#Failed</th><th>% Passed</th><th>Avg Score</th></tr><tr><td>March 1, 2009 – March 1, 2010</td><td>132</td><td>75</td><td>57</td><td>57%</td><td>75</td></tr><tr><td>March 1, 2010 – March 1, 2011</td><td>127</td><td>60</td><td>67</td><td>47%</td><td>74</td></tr></table>	Electrical Contractors							# Candidates	# Passed	#Failed	% Passed	Avg Score	March 1, 2009 – March 1, 2010	132	75	57	57%	75	March 1, 2010 – March 1, 2011	127	60	67	47%	74
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Licensees	<table><tr><td>Electrical Contractors</td><td>2,217</td></tr><tr><td>Journeyman Electrician</td><td><u>553</u></td></tr><tr><td></td><td>2,770</td></tr></table> <p>Total Licensees</p> <p>As of April 1, 2011</p> <p><i>Information obtained from staff</i></p>	Electrical Contractors	2,217	Journeyman Electrician	<u>553</u>		2,770																		
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Reciprocity	<p>The board by statute is required to actively seek and maintain reciprocity with any other state that, in the opinion of the board, has standards of practice or licensure equal to or higher than those required by Alabama.</p> <p>The board has reciprocity agreements with Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.</p> <p><i>Information obtained from staff. A list of agreements is also available on the board’s Internet website</i></p> <p>Code of Alabama 1975, Section 34-36-7(b)</p>																								

Renewals	<p>Licenses expire one year after issuance. Applications for renewal must be filed prior to the expiration date.</p> <p>Expired electrical contractor licenses may be renewed anytime within five (5) years of the expiration date by payment of a late renewal fee of \$50, payment of accrued renewal fees and satisfaction of all continuing education requirements. After a license has been expired for one year, a reinstatement fee of \$250 is also assessed.</p> <p>Expired journeyman licenses may be renewed within two (2) years of the expiration date by payment of a late renewal fee of \$15 and accrued renewal fees. No reinstatement fee is assessed.</p> <p>Percentage of online renewals in 2010 – 34%</p> <p><i>Code of Alabama 1975</i>, Section 34-36-8(a) <i>Rule</i> 303-X-2-.03 <i>Source =staff</i></p>
Continuing Education	<p>Electrical Contractor licensees are required to complete 14 hours of continuing education every two years.</p> <p>Continuing education became a requirement for license renewal effective August 1, 2010 as a result of Act 2010-540.</p> <p><i>Code of Alabama 1975</i>, Section 34-36-8(b)</p>
Employees	<p>The board has no employees. The board contracts with Warren & Co. Inc., Montgomery, AL for administrative services, including an executive director.</p>
Legal Counsel	<p>Hendon Coody, a private attorney, provides legal services under contract for \$125 per hour, not to exceed \$46,875, per year, plus necessary expenses up to \$4,000 per year. The current contract expires February 28, 2013.</p>
Subpoena Power	<p>None except as provided by the Administrative Procedure Act <i>Code of Alabama 1975</i>, Section 41-22-12 for hearings in contested cases.</p>
Internet Presence	<p>http://www.aecb.state.al.us/</p> <ul style="list-style-type: none"> • Board's physical address, email address, telephone numbers, and fax number. • Board member information, which includes the names and email addresses of the current board members • Board staff addresses, phone numbers, fax numbers and email addresses. • Rules and Regulations • A feature to search for specific licensed electrical contractors • Calendar of events • Forms • Reciprocity Licensing Requirements • Board meeting minutes • Fee Schedule

Attended Board Member Training	Executive director 3 Executive assistants 3 Board members
<u>Financial</u>	
Source of Funds	Licensing fees
State Treasury	Yes, Special Revenue Fund 0381
Required Distributions	None
Unused Funds	Unspent and unencumbered funds in excess \$100,000 at the end of the fiscal year must be transferred into the state's General Fund on or before January 15 of the succeeding year. Act 2010-540 effective August 1, 2010 increased this amount from \$50,000 to \$100,000. <i>Code of Alabama 1975, Section 34-36-17</i>

SIGNIFICANT ISSUES

Significant Issue 2011-01 – One third of licensees stated that they are not adequately informed by the board of changes to and interpretations of board's positions, policies, rules, and laws.

Questionnaires were sent to 100 Electrical Contractor licensees and 100 Journeyman licensees. Of the sixty electrical contractor licensees and forty-five journeyman licensees who responded to our questionnaire, 35 (33.3%) stated they are not adequately informed of changes to and interpretations of board's positions, policies, rules, and laws. The board creates administrative rules according to procedures required by the state's Administrative Procedure Act, which includes publication in the state's Administrative Monthly and a period reserved for public comment. Changes to the board's rules and laws are also included on the board's website.

Significant Issue 2011- 02 - The electrical contractors licensing law received significant changes resulting from Act 2010-540. The board sent letters of notification of these changes to the cities and counties (See Appendices) and is in the process of implementing the changes. Senate Bill 171 in the 2010 regular legislative session, sponsored by Senator Del Marsh was enacted April 21, 2010 as Act 2010-540, effective August 1, 2010. The act made the following changes and additions to the electrical contractors licensing law:

- Changed/added definitions
- Made the Electrical Contractors Board subject to the Sunset Law
- Increased board member compensation from \$25 a day to a maximum of \$300 a day limited to 15 days per year
- Expanded the board's disciplinary authority
- Redefined examination standards
- Created a continuing education requirement for state-licensed electrical contractors of 14 hours every 2 years
- Created an inactive license category

- Removed language creating an advisory board (advisory board was never appointed and was inoperative)
- Changed the amount the board can retain at year end from \$50,000 to \$100,000 above which the remainder must be transferred to the General Fund.
- Changed the criminal penalty for violation of the electrical contractor licensing law from a Class B misdemeanor to a Class A misdemeanor
- Made it unlawful, except as otherwise provided, on or after December 31, 2011, for a person not licensed as an electrical contractor in accordance with the electrical contractor licensing law to solicit, represent, seek to perform, or perform those tasks and functions that can only be performed by a licensed electrical contractor. There is an exemption for those:
 1. Who have taken (does not say passed) an examination offered by the board within the last 12 months, and
 2. Who are licensed or permitted to do work as electrical contractors by a county or municipality, and
 3. Who work within the boundaries of the county or city for which they have been permitted or licensed to do work as electrical contractors.

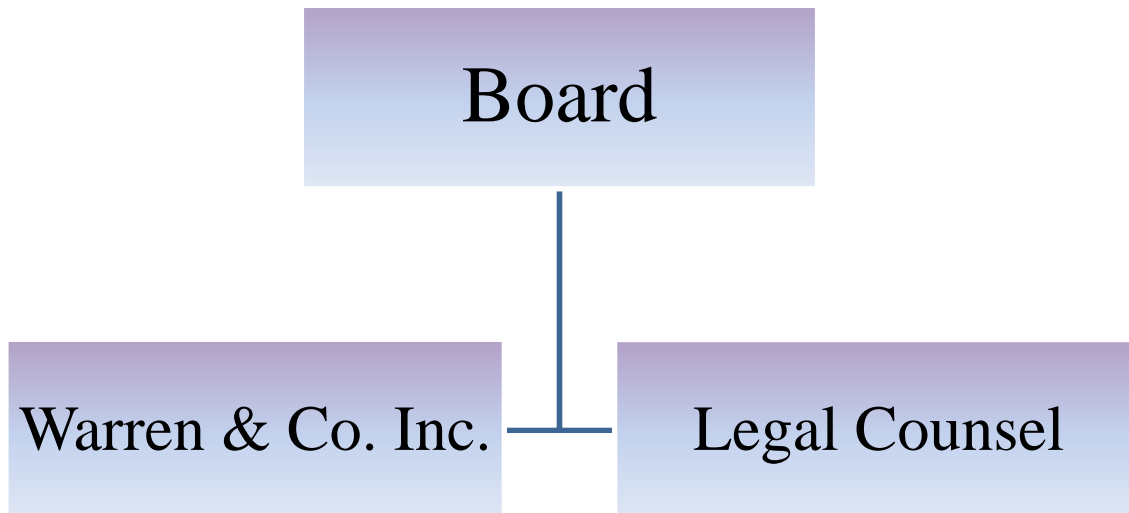
Significant Issue 2011– 03 – With no apparent statutory authority, the board is issuing and renewing a provisional license and charging a fee for the license. The board’s rule 303-X-2-.01(12) authorizes the board to issue a provisional electrical contractor’s license for a fee to those who are licensed or permitted by a city or county, who work within the boundaries of the county or city and who have taken (does not say passed) an examination offered by the board within the preceding 12 months. The license is not mandatory. The reason for the board’s provisional license is not clear. The qualifications to obtain a provisional license mimic the exemptions from the licensing law in the *Code of Alabama 1975*, Section 34-36-16. The exemptions allow persons who meet these conditions to practice without a state license. Consequently, persons who meet the requirements to obtain the provisional license can lawfully do electrical contracting work without the license. It could be misleading to authorize a contractor to display a provisional license issued by the state, if the contractor has not obtained a regular state license.

We find no provision in the law that authorizes the board to create a rule that allows the board to issue a provisional license or any license in the name of the state, except to those who have completed all of the requirements specified by law to obtain a regular state journeyman or contractor’s license. Attorney General’s Opinion 1997-036 states that, “It is well established that administrative rules and regulations cannot subvert or enlarge upon statutory policy.” “This office has consistently interpreted this rule to preclude state boards and regulatory agencies from doing things not expressly or impliedly authorized by statute, including the preclusion from issuing sub-licenses or specialty certifications without express or implied authorization.”

STATUS OF PRIOR FINDINGS / SIGNIFICANT ISSUES

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

There are no direct employees. The board contracts with Warren and Company, Inc. to serve as the board's executive director and to provide administrative and investigative services. Warren and Company maintains the board's records and performs administrative services for the board from its location at 610 South McDonough St. Montgomery, AL. The annual contract amount of \$269,500 is paid in monthly installments of \$24,500. The current contract expires November 14, 2011.

Legal Counsel

The board has a contract with Hendon Coody, a private attorney, for legal services at the rate of \$125.00 per hour, not to exceed \$46,875, per year plus necessary expenses up to \$4,000 per year. The current contract expires February 28, 2013.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee N/A - The board has no employees. Its administrative functions are carried out by Warren & Company, under contract with the board.

Number of Persons per Licensee in Alabama and Surrounding States

	Population¹	Number of Electrical Contractors	Number of Journeyman	Persons per Electrical Contractor	Persons per Journeyman
Alabama	4,779,736	2,217	553	2,156	8,643
Florida ²	18,801,310	14,644	--	1,284	N/A
Georgia ²	9,687,653	8,670	--	1,117	N/A
Mississippi ²	2,967,297	937	--	3,167	N/A
Tennessee ³	6,346,105	--	--	--	--

¹2010 U.S. Census

²Does not license Journeyman Electricians

³Information was not available

As of April 1, 2011

Operating Disbursements per Licensee - \$89.27

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the state's Administrative Procedure Act, in the *Code of Alabama 1975*, Section 41-22-5(a), which includes publication of proposed rules in the state's *Administrative Monthly*, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

COMPLAINT HANDLING

Code of Alabama 1975, Section 34-36-6 (4) and *Board Rule* 303-X-1-.07(1)(d) provide for the investigation of written complaints filed with the board concerning alleged violations.

Complaint Procedures*

Initial Contact/Documentation	Any person can file a complaint. The board receives complaints by mail, email, fax, or hand delivered. No specific form is required, however one is provided on the board's website.
Anonymous Complaints	The board does not accept anonymous complaints. Complaints by law must be in writing, and the board requires that they be signed but not required to be notarized.
Investigative Process	The complaint is reviewed by the executive director and legal counsel to determine if the complaint is within the jurisdiction of the board. Once jurisdiction is confirmed, the complaint is submitted to an investigator who investigates the complaint and submits a report to the executive director.

Probable Cause Determination	The executive director submits the report to an investigative committee, consisting of the executive director, the board's general counsel, the investigator, and a board member from the congressional district where the complaint is generated. The committee decides if there is probable cause to believe that a violation of the board's licensing law or rules has occurred. If no probable cause is found, the complaint is closed and no further action is taken.
Resolution without formal Hearing	If the investigative committee determines that there is probable cause to believe that a violation has occurred, a settlement offer is prepared by the committee, attached to a notice of violation, and sent to the offender. Any settlement offers that are agreed upon by the defendant and the committee go to the board for final approval and execution. <i>Board Rule 303-X-2-.10(1)</i>
Formal Hearing	If a settlement agreeable to both the defendant and the board cannot be arranged, a formal hearing is scheduled. Notice of the specific nature of the charges and the time and place of the hearing are served by registered mail not less than 21 days before the fixed date of the hearing. A formal hearing includes a hearing officer, currently Matthew Beam, a private attorney under contract with the board. The hearing officer presides over the hearing and makes recommendations of disciplinary action. The board can adopt the recommendations, amend them, or reject them and create their own course of disciplinary action. The board's final order is mailed to the defendant. The board member who served on the investigative committee can only observe the proceedings and may not ask questions, answer questions or be involved in the board's decision on disciplinary action.
Notification of Resolution to the Complainant	Once the final order has been issued, the complainant is notified of the resolution of the complaint and of the action taken against the defendant.

*Information obtained from the executive director

	Schedule of Complaints Resolved 2007 through 2010 FY					
Year / Number Received	Year / Number Resolved					
	2007	2008	2009	2010	2011	Pending
2007 / 6	4	2	0	0	0	0
2008 / 5		2	3	0	0	0
2009 / 8			6	2	0	0
2010 / 11				5	0	6
2011 / 6 ⁽¹⁾					2	4
(1) As of May 23, 2011						
Information obtained from staff.						

Average Time to Resolve Complaints –

FY2007 – 97.7 average days open

FY2008 – 270 average days open

FY1009 – 197.9 average days open

FY2010 – 267.6 average days open

FY2011 – 50.7 average days open

Total 883.9 / 5 = 176.78 average days open

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

General Contractors Board - Electrical contractors who do work related to commercial and industrial construction may also be subject to regulation by the Licensing Board for General Contractors.

County and City Construction Permitting & Inspection Entities - Electrical contractors are also subject to regulation by various county and municipal electrical permitting and inspection entities charged with enforcing requirements associated with building codes.

Alabama Building Commission - The 2011 National Electric Code has been adopted and is enforced by the Alabama Building Commission as part of the State Building Code.

The Code Officials Association of Alabama (COAA) - Works to accomplish the following stated goals:

- ☐ To promote maximum safety for life, health, and property at minimum building cost through education and training of code enforcement officials.
- ☐ To create a better public understanding and appreciation of the proper administration of building, housing, plumbing, electrical, and related codes and ordinances, and their importance to the safety, welfare, and prosperity of the municipality and county.
- ☐ To improve the prestige of code enforcement officials by the promotion of high standards of efficiency in the administration of building, housing, plumbing, electrical, and related codes and ordinances through continues education and training.
- ☐ To assemble with other government officials and organized groups concerned with codes and ordinances to exchange ideas and to discuss mutual concerns.

- ☐ To develop courses of instruction concerning new materials and methods of construction in cooperation with recognized education institutions and to promote proper interpretation, enforcement, and administration of codes and ordinances.
- ☐ To assist Alabama municipalities and counties with the organization and maintenance of adequate code enforcement departments, codes, and ordinances.

SMART GOVERNING

Fiscal Year 2010

GOAL		COMMENT		
To provide services on-line so that 50% of license renewals are processed via web by 2010.		The goal's target is to be achieved within the current year. Goals are by definition long-term, multi-year targets.		
OBJECTIVE	UNIT OF MEASURE	PERFORMANCE TARGET	REPORTED PERFORMANCE	COMMENT
(O1-Efficiency) To increase the number of renewal applications processed on-line by 30%.	Percentage of on-line renewals	45	79	The objective statement is not consistent with the performance target and the reported performance. The target and the reported performance are a percentage of the total renewals rather than a percentage of increase in online renewals.

Fiscal Year 2011

GOAL			COMMENT	
To provide services on-line so that 50% of license renewals are processed via web by 2011.			The goal's target is to be achieved within the current year. Goals are by definition long-term, multi-year targets.	
OBJECTIVE	UNIT OF MEASURE	PERFORMANCE TARGET	REPORTED PERFORMANCE	COMMENT
(O1-Efficiency) To increase the number of renewal applications processed on-line by 50%.	Percentage of online renewals	60	N/A- year not yet complete	The objective statement is not consistent with the performance target. The target is a percentage of total renewals rather than a percentage of increase in online renewals.

FINANCIAL INFORMATION

Source of Funds – Licensing fees

Funds / Accounts Description

The board operates from Special Revenue Fund 0381 maintained in the State Treasury. The *Code of Alabama 1975*, Section 34-36-17 requires that “Any funds unspent and unencumbered at the end of any state fiscal year in excess of one hundred thousand dollars (\$100,000) shall be transferred into the State General Fund on or before January 15 of the succeeding year.” Prior to fiscal year 2010 the board was required to transfer all funds in excess of \$50,000 to the state’s General Fund.

Schedule of Fees

Fee Type/Purpose	Statutory Authority	Administrative Rule	Amount Authorized	Amount Collected
Electrical Contractor Examination Fee	34-36-11	303-X-2-.06(a)	\$165.00	\$165.00
Journeyman Electrician Examination Fee	34-36-11	303-X-2-.06(b)	\$115.00	\$115.00
Electrical Contractor License Fee ¹	34-36-11	303-X-2-.06(c)	\$150.00	\$150.00
Journeyman Electrician License Fee	34-36-11	303-X-2-.06(d)	\$35.00	\$35.00
Electrical Contractor Renewal Fee ¹	34-36-8(a)	303-X-2-.06(e)	\$150.00	\$150.00
Journeyman Electrician Renewal Fee	34-36-8(a)	303-X-2-.06(f)	\$35.00	\$35.00

Electrical Contractor Late Renewal Fee	34-36-11	303-X-2-.06(g)	\$50.00	\$50.00
Journeyman Electrician Late Renewal Fee	34-36-11	303-X-2-.06(h)	\$15.00	\$15.00
Inactive Electrical Contractor Certificate ²	34-36-11	303-X-2-.04(4) 303-X-2-.06(i)	\$75.00	\$75.00
Inactive Journeyman Electrician Certificate ²	34-36-11	303-X-2-.04(4) 303-X-2-.06(j)	\$15.00	\$15.00
Reinstatement of Electrical Contractor License ²	34-36-8(d)??	303-X-2-.05(1) 303-X-2-.06(k)	\$250.00	\$250.00
Reissuance or Replacement Card Fee ²	34-36-11	303-X-2-.06(l)	\$25.00	\$25.00
Provisional License Fee ²	34-36-11	303-X-2-.06(m)	\$75.00	\$75.00
Provisional License Renewal Fee ²	34-36-8(a)	303-X-2-.06(n)	\$75.00	\$75.00

(1) Reflects a \$50.00 decrease as of January 1, 2009

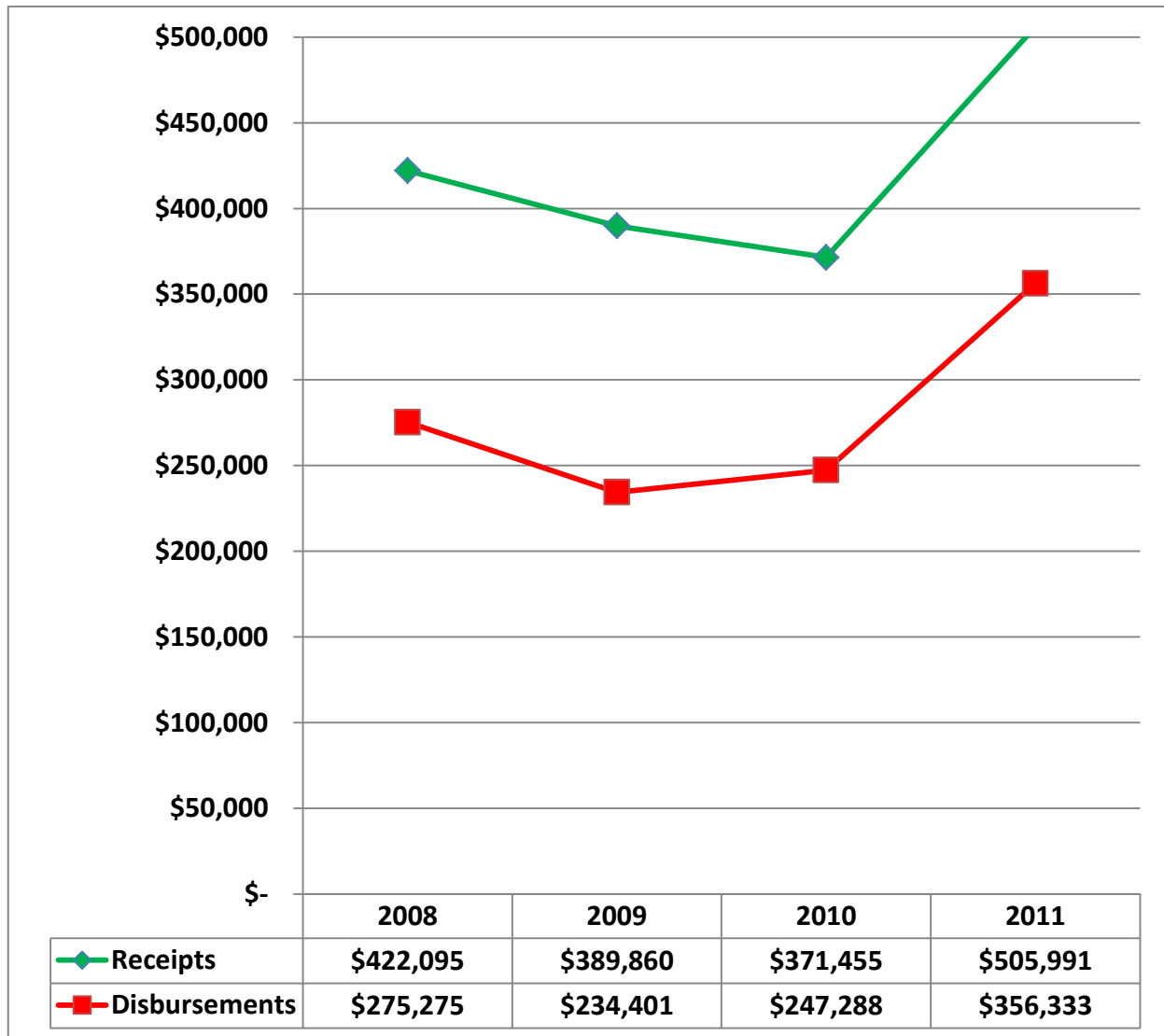
(2) New fees effective as of March 18, 2011

Schedule of Receipts, Disbursements, and Balances

October 1, 2007 – September 30, 2011

Receipts	2011	2010	2009	2008
Licensing Fees	\$ 505,991.00	\$ 371,455.00	\$ 389,860.00	\$442,095.00
Disbursements				
Personnel Costs	12,000.00	2,100.00	15,383.00	38,509.72
Employee Benefits	1,043.73	160.67	3,959.10	10,575.24
Travel In-State	8,013.64	5,306.45	5,934.99	5,078.66
Travel Out-of-State	3,633.23	7,857.91	2,289.92	5,650.08
Repair and Maintenance	52.50			
Rentals and Leases	19.05	5.04	-	-
Utilities and Communications	4,126.51	3,984.86	3,042.31	3,536.40
Professional Services	310,711.88	208,231.03	194,087.88	198,121.96
Supplies, Materials and Operating Expenses	16,731.97	19,641.78	9,704.01	13,802.57
Transfer to the State's General Fund (*)	40,245.71	130,376.00	150,202.61	134,566.79
Total	396,578.22	377,663.74	384,603.82	409,841.42
Excess (Deficiency) of Receipts Over Disbursements	109,412.78	(6,208.74)	5,256.18	32,253.58
Cash Balances at Beginning of Year	223,345.01	229,553.75	224,297.57	192,043.99
Cash Balances at End of Year	332,757.79	223,345.01	229,553.75	224,297.57
Reserved for Year-End Obligations	(72,193.90)	(83,099.30)	(49,177.28)	(24,094.96)
Reserved for Transfer to the State's General Fund (*)	(160,563.89)	(40,245.71)	(130,376.47)	(150,202.61)
Unobligated Cash Balances at Year-End	\$ 100,000.00	\$ 100,000.00	\$ 50,000.00	\$ 50,000.00
<p>* Code of Alabama 1975, Section 34-36-17 requires the board to transfer to the state's General Fund at the end of each fiscal year any unspent and unencumbered funds in excess of \$50,000. Effective August 1, 2010 the statute was changed requiring the board to transfer to the State's General Fund at the end of each fiscal year any unspent and unencumbered funds in excess of \$100,000.</p>				

Operating Receipts vs. Operating Disbursements (Chart)



Operating disbursements do not include transfers to the General Fund.

QUESTIONNAIRES

Board Member Questionnaire

Letters requesting participation in our survey was sent to all 9 board members. All nine participated in the survey. The percentages shown are based on the number who responded to the question.

- 1. What are the most significant issues currently facing the Board of Electrical Contractors and how is the board addressing these issues?**

Respondent 1 “Follow-up on new rules & Regulations enacted recently.”

Respondent 2 “Implementing new law.”

Respondent 3 “The new Act 2010 – 540, has increased the Board’s workload. An enormous amount of time has been spent reviewing local examinations and applications for the waiver process. To help with the increased work load the Board is scheduled to meet bi-monthly rather than quarterly.”

Respondent 4 “Contractor licensing, licensing violations and continuing education-issues being addressed via Act 2010-540.”

Respondent 5 “Getting all contractors in compliance with the new regulations. The board is reviewing all licenses responding to questions & concerns of contractors & public officials.”

Respondent 6 “Adopting the use and administration of the newly passed law and making everyone understand the purpose and extent of the law.”

Respondent 7 “Managing the increased number of applications due to the effect the new legislation passed last year.”

Respondent 8 “Implementation of new changes to the law. The Board & staff are making significant progress.”

Respondent 9 “Revision of Electrical Contracting License requirements from voluntary to mandatory.”

- 2. What changes to the Electrical Contractor’s laws are needed?**

Respondent 1 “Needed changes have just been made.”

Respondent 3 “I believe that all electrical workers should have a journeyman license or be an indentured apprentice with the department of labor to perform any electrical work in the state of Alabama.”

Respondent 4 “Licensing requirements – addressed in Act 2010-540.”

Respondent 5 “Minor modifications only.”

Respondent 6 “I would like to see different classifications added i.e. Alarm contractors, residential elect. Contractors, and sign contractors added to commercial / industrial electrical contractors.”

Respondent 7 “We have proposed legislation to change the current law to better accommodate the contractors that do not currently hold a state license, but are legitimately licensed in a county or municipality, so that those contractors can continue to operate their businesses in the areas that they now serve. This legislation needs to be passed to prevent placing undue burden on the contractors that fall into this category.”

Respondent 8 “None at this time.”

Respondent 9 “Exam waiver provision that is applied to Contractors should be expanded to Journeyman”

Did not respond 1

3. Is the Board of Electrical Contractors adequately funded?

Yes	9	100.0%
No	0	0.0%

4. Does the Board of Electrical Contractors receive regular reports on the operations of the board from the chief administrative officer?

Yes	9	100.0%
No	0	0.0%

5. Is the Board of Electrical Contractors adequately staffed?

Yes	9	100.0%
No	0	0.0%

6. Has the Board of Electrical Contractors experienced any significant changes to its operations?

Yes	3	33.3%
No	6	66.7%

Respondent 3 “See #1 above.”

Respondent 9 “See question 1.”

7. Does the Board of Electrical Contractors plan any significant changes in its operations?

Yes	2	22.2%
No	6	66.7%
Unknown	1	11.1%

Respondent 9 “See item 2”

Electrical Contractor Licensee Questionnaire

Letters requesting participation in our survey was sent to 100 Electrical Contractor Licensee holders, of which sixty participated in the survey. The percentages are only of those who responded to the question.

- 1. Do you think regulation of your profession by the Board of Electrical Contractors is necessary to protect public welfare?**

Yes	56	93.3%
No	1	1.7%
No Opinion	3	5.0%

- 2. Do you think any of the Board of Electrical Contractor's laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

Yes	5	8.5%
No	47	79.6%
Unknown	3	5.1%
No Opinion	4	6.8%
Did not respond	1	

Respondent 54 "See question 6."

- 3. Do you think any of the Board of Electrical Contractors requirements are irrelevant to the competent practice of your profession?**

Yes	6	10.0%
No	50	83.3%
Unknown	3	5.0%
No Opinion	1	1.7%

- 4. Are you adequately informed by the Board of Electrical Contractors of changes to and interpretations of board's positions, policies, rules, and laws?**

Yes	31	51.7%
No	22	36.7%
Unknown	5	8.3%
No Opinion	2	3.3%

- 5. Has the Board of Electrical Contractors performed your licensing and renewal in a timely manner?**

Yes	59	98.3%
No Opinion	1	1.7%

6. **What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Electrical Contractors doing to address the issue(s)?**

Respondent 1 “Reciprocity of license with other states.”

Respondent 2 “Non licensed individuals performing electrical work.”

Respondent 4 “Lack of trained electricians.”

Respondent 5 “Bidding jobs and not knowing what the price of [wire]?will be when you have to buy it. The price needs to be reported so that you will know what the price will be for 3 months. I don’t know if the board is doing anything about this.”

Respondent 7 “License test (Business questions on test).”

Respondent 8 “Knowledge and understanding NEC / Quality workmanship.”

Respondent 9 “Having competent contractors & Electricians to install Electric work according to NEC & NESC. Needs more schooling.”

Respondent 11 “Significant Issue – When a non-licensed electrical contractor uses a non-employee master license numbers to qualify to bid a job or to buy a license.”

Respondent 12 “Training I would like to see more vocation training around the state & the high school level. Not everyone can or wants to go to college and if not then they need trade/craft.”

Respondent 13 “No issues at this time.”

Respondent 14 “Not sure.”

Respondent 16 “I do not work with the authorities very much. When we have to meet obligations or requirements, we have had no problems.”

Respondent 18 “Need more regulation by cities or state.”

Respondent 19 “We need to stay current with national electrical code changes”

Respondent 20 “Not aware of any significant issues”

Respondent 21 “Unqualified competition. Alabama contractors board does an adequate job of screening applicants. Some contractors still slip through the cracks.”

Respondent 23 “Need more jobs”

Respondent 27 “1) Unlicensed electricians performing electrical work – Local authorities need to clamp down. 2) AL requires city/county business lic. For each city/county – This is difficult to maintain (expensive) – GA has one for the state.”

Respondent 29 “lack of continuing education.”

Respondent 31 “Lack of statewide requirement of certification to do electrical work. I understand this is being corrected. It is long overdue.”

Respondent 32 “Protection of the consumers against deficient electrical installations.”

Respondent 33 “N/A.”

Respondent 34 “AL needs to strengthen & enforce licensing laws. We need to be more like Tennessee.”

Respondent 36 “Aiding and abetting of unlicensed electrical contractors.”

Respondent 40 “State required master’s (board) license be required throughout the state, and that be the only card required to do business in any municipality or county.”

Respondent 42 “–keeping the public safe in a dynamic, competitive, construction environment – the AECB requires licensure & compliance with appropriate laws, rules, & regs.”

Respondent 44 “I believe there should be a licensed electrician on all jobs, at all times. This person must have passed a test so he or she is knowledgeable of codes and safety.”

Respondent 45 “We need continuing education.”

Respondent 46 “No opinion.”

Respondent 47 “Economy. Not something the board can address.”

Respondent 49 “Out of town contractors taking our work. Don’t know what can be done.”

Respondent 50 “The entire state should follow the national electric code and not adopt local codes and rules!”

Respondent 51 “1. Enforcement of unlicensed contractors. 2. Somehow getting it to where only qualified personnel or licensed electricians can buy electrical equipment, panels, breakers.”

Respondent 52 “The over use of m/c cable on new construction projects.”

Respondent 53 “N/A We are a N.C. Corp. holding an AL State license.”

Respondent 54 “Reciprocity among all states.”

Respondent 55 “Part 1 – I think that if you have a state of Alabama Contractor card you should automatic be able to bid on job over \$50,000.00. Part 2 – I would like for the board to address this issue please.”

Respondent 56 “We need state inspectors that will stop unlicensed people from performing electrical work for the public.”

Respondent 58 “Work to do apprentice training.”

Respondent 59 “None at the present.”

Respondent 60 “We need state wide requirement for certification”

No Response 19

7. Do you think the Board of Electrical Contractors and its staff are satisfactorily performing their duties?

Yes	47	78.3%
No	1	1.7%
Unknown	12	20.0%

Respondent 50 “I am licensed in eight states and Alabama is by far the best to deal with.”

Respondent 56 “But see above.”

8. Has any member of the Board of Electrical Contractors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

Yes	0	0.0%
No	60	100.0%

Respondent 9 “Of course not.”

Journeyman Licensee Questionnaire

Letters requesting participation in our survey was sent to 100 Journeyman Licensee holders, of these 45 participated in the survey. The percentages are only of those who responded to the question.

- 1. Do you think regulation of your profession by the Board of Electrical Contractors is necessary to protect public welfare?**

Yes	44	97.8%
No	1	2.2%

- 2. Do you think any of the Board of Electrical Contractor's laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

Yes	5	11.1%
No	33	73.4%
Unknown	5	11.1%
No Opinion	2	4.4%

- 3. Do you think any of the Board of Electrical Contractors requirements are irrelevant to the competent practice of your profession?**

Yes	7	15.9%
No	28	63.7%
Unknown	7	15.9%
No Opinion	2	4.5%

Did not respond	1	
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- 4. Are you adequately informed by the Board of Electrical Contractors of changes to and interpretations of board's positions, policies, rules, and laws?**

Yes	13	28.9%
No	21	46.7%
Unknown	8	17.8%
No Opinion	3	6.6%

- 5. Has the Board of Electrical Contractors performed your licensing and renewal in a timely manner?**

Yes	44	97.8%
No Opinion	1	2.2%

Respondent 8 "Outstanding."

6. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Electrical Contractors doing to address the issue(s)?

Respondent 2 “People doing construction work without paying taxes & insurance for workers.”

Respondent 3 “No opinion.”

Respondent 5 “1) Lack of knowledgeable and skilled electricians 2) Fewer job opportunities 3) Salary / pay needs to be equivalent to knowledge / skill and production.”

Respondent 6 “Over-regulation by OSHA and IMSHA”

Respondent 7 “1) Electricians staying up to date with new codes & requirements that come out with each new code book. 2) The rising cost of doing a job because of material (ex. A&C shield breakers). A lot of people I come in contact with desperately need upgrades on wiring of their houses, barns, etc. but are low income families that really can’t afford to make the upgrades such as changing an old Edison fuse box out to a breaker box. 3) I also feel that there are people doing a lot of “side jobs” that are not competent electricians. They do jobs cheaper by not getting permits for 1 or any other short cut they can take. I know saving money is important, but a quality job is more important. I’ll be honest; I’m not sure what all the duties are for the Electrical Contractors Board are. These were just a few things I was aware of.”

Respondent 8 “I don’t see a lot of new faces learning the electrical trade. I think something more needs to be done to promote our trade. I have seen an increase in TV ads promoting the construction industry.”

Respondent 9 “None at this time. The board is doing a great job.”

Respondent 10 “1) General public being able to buy electrical parts over the counter. Safety issues I have seen would amaze you. 2) Unknown because never hear from them.”

Respondent 12 “Seems like the journeyman exam is easier, which sends inexperienced journeyman into positions they are not ready for.”

Respondent 14 “Lack of jobs. I do not know what ECB is doing.”

Respondent 16 “The requirement for a journeyman license is just a way they make money. I have had one and have never been asked to show it or what the number is.”

Respondent 17 “Illegal immigrants.”

Respondent 18 “I believe that continuing education on new code changes or interpretations is needed. For all positions journeyman, apprentice, and electrical contractors.”

Respondent 21 “Economy.”

Respondent 23 “Not enough regulation of the industry.”

Respondent 24 “No current issues.”

Respondent 26 “No opinion.”

Respondent 27 “No opinion.”

Respondent 28 “Work shortage.”

Respondent 31 “Updated codes. It is unknown what EBC is doing about the changes.”

Respondent 32 “Licensing should be done by the state only – not county & city licensing. Journeyman should be able to pull permits operate a business as John Doe, Electrician.”

Respondent 33 “Contractors are employing helpers to licensed persons at a ratio of about 5 helpers to 1 license.”

Respondent 34 “Lack of new construction brought on by the nation’s recession.”

Respondent 35 “n/a.”

Respondent 37 “More training and schools.”

Respondent 38 “To much regulation on who & how Alabama Electrical Contractors can operate small business’ in Alabama (ie. Journeyman electrician can’t own small business).”

Respondent 40 “Significant Issue: Lack of jobs & pay rates vs. other states. Addressing the Issue: Don’t know what can be done because of the state of the Union.”

Respondent 41 “Currently it is difficult for a licensed journeyman to find work. If it was mandated that an electrician hold a license with the state it would help those of us who went through the proper training find work and to insure the safety of the people of Alabama.”

Respondent 42 “I think that enforcement of non-licensed people doing electrical work in our state is a joke. I have been a card carrying journeyman since 1993 and I have been asked once in 18 years to produce my license. I’m not sure but the plumbing inspectors are on top of their game. You can be plumbing a house in the middle of nowhere and they will show up. I’ve never seen a house burn down because it was plumbed wrong. Unlicensed people doing work everywhere in this state. It has done nothing but keep electricians pay the same as it was 30 years ago! What a shame.”

Respondent 44 “Hard to find training for beginners & continuing ed.”

Respondent 45 “N/A”

No Response

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7. Do you think the Board of Electrical Contractors and its staff are satisfactorily performing their duties?

Yes	27	61.4%
No	3	6.8%
Unknown	10	22.7%
No Opinion	4	9.1%
Did not respond	1	

8. Has any member of the Board of Electrical Contractors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

No	43	97.7%
Unknown	1	2.3%
Did not respond	1	

Respondent 8 “Absolutely not.”

Complainant Questionnaire

There were 15 letters sent to complainants, 6 responded to our survey. The participants did not respond to every question in the survey. The percentages are only of those who responded to the question.

1. Was your complaint filed with the Board of Electrical Contractors by:

Mail	3	50.0%
Phone	2	33.3%
Fax	1	16.7%

Respondent 1 “and mail.”

2. Was receipt of your complaint promptly acknowledged?

Yes	4	66.7%
No	2	33.3%

Respondent 2 “Had to make several contacts from my position in city inspection dept.”

3. If the answer to question 2 was yes, how long after you filed your complaint were you contacted by the Board of Electrical Contractors?

Within 30 days	2	40.0%
More than 30 days	3	60.0%

Did not answer this question 1

Respondent 4 “Over 1 year!”

Respondent 6 “Acknowledged rec. of claim by letter.”

4. Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable	1	16.7%
Both	2	33.3%
Neither	1	16.7%
Unknown	2	33.3%

5. Did the Board of Electrical Contractors communicate the results of investigating your complaint to you?

Yes	1	16.65%
No	4	66.70%
Unknown	1	16.65%

Respondent 2 “Could not find a License on [REDACTED] or [REDACTED] whom claim to be a Licensed Contractor.”

6. Do you think the Board of Electrical Contractors did everything it could to resolve your complaint?

Yes	1	16.65%
No	4	66.70%
Unknown	1	06.65%

Respondent 2 “Hell.”

7. Were you satisfied with your dealings with the Board of Electrical Contractors?

Yes	2	33.3%
No	4	66.7%

Respondent 2 Hell. [REDACTED] in Troy, AL wired my house and was paid up front & didn't complete job. I was told in a letter that no Lic holder was found with such a name. I was sued by a home owner by other work that was subcontract out to them. Fines were paid to the home board association for code violations because [REDACTED] carried no license as a state contractor – I lost my home builder's Lic. They were find by the HVAC Board for not installing my 2 ton unit safely and their bond cover these losses. However, to date [REDACTED] perform electrical services thru-out Pike Co. with-out state Lic. AECB told me that due to the lack of state funding, they would not pursue [REDACTED] Troy, AL. I lost my business & builder's Lic. On their behalf and in a law suit \$400,000. I paid \$2K in finds.

Respondent 5 Found out that the guy who did all the electrical work on our home (new construction) was not a licensed electrician. The city of Fairhope approved all the checklist. The builder and the “so called” electrical guy walked off too. The builder placed liens on our home. As per the recommendation of our lawyer, we had to drop the case. I still cannot believe the work was ever approved. I had to hire another licensed electrician to come in and finish. The electrical outlets were not even installed as per the blueprints. The only way to settle with the builder was to drop the claim, which we did. However, I live in the new house in constant fear that one day I will burn down.

APPENDICES

SMART Performance Reports

Fiscal Year 2010

Agency: 348 - Electrical Contractors, Board of				Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -				Activity: -							
Key Goal:											
Goal 1	To provide services on-line so that 50% of license renewals are processed via web by 2010.									Governor's Priority:	2
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Efficiency) To increase the number of renewal applications processed on-line by 30%.	Percentage of on-line renewals	30	34	35	39%	40	89%	45	66%	45	79
How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2009-10 affected your agency in meeting its desired accomplishments and services?											
Act 2010-540 allows the Board to approve applicants who have taken and passed an examination administered by a local city or county the opportunity to receive an Alabama Electrical Contractor License without further examination.											
What administrative improvements did your agency make in fiscal year 2009-10 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.											
Online Renewals, Restructure application procedures and added an additional examination site, totaling 6.											

Fiscal Year 2011

Agency: 348 - Electrical Contractors, Board of				Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -				Activity: -							
Key Goal:											
Goal 1	To provide services on-line so that 50% of license renewals are processed via web by 2011.									Governor's Priority:	2
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) To increase the number of renewal applications processed on-line by 50%.	Percentage of on-line renewals	15	87	15		15		15		60	
* Actual performance data is not currently available for this quarter.											

Statutes

CHAPTER 36. ELECTRICAL CONTRACTORS.

§ 34-36-1. Short title.

Current through the end of the 2010 Regular Session.

This chapter shall be known and may be cited as the "Alabama Electrical Contractors Act" and shall be construed and implemented to promote the purposes and policies set forth in this chapter.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-2. Declaration of purpose.

Current through the end of the 2010 Regular Session.

The "Alabama Electrical Contractors Act" is enacted for the purpose of safeguarding homeowners and other property owners and tenants against faulty, inadequate, inefficient, or unsafe electrical installations and to protect the life, health, and property of homeowners and other property owners and tenants in the State of Alabama. Electrical contracting is hereby declared to be affected with the public interest, and this chapter shall be liberally construed so as to accomplish the foregoing purpose.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 2.)

§ 34-36-3. Definitions.

Current through the end of the 2010 Regular Session.

The following terms shall have the meanings respectively ascribed to them used in this chapter, for the purposes of this chapter, unless the context clearly requires a different meaning:

(1) Board. The Alabama Board of Electrical Contractors.

(2) Director. The Executive Director of the Alabama Board of Electrical Contractors.

(3) Electrical contracting. Any job or project in the State of Alabama wherein the electrical contractor proposes to bid, install, maintain, alter, or repair any electric wiring devices or equipment.

(4) Electrical contractor. Any person, firm, or corporation who is engaged in the business of soliciting and installing electrical power or control systems; maintaining, altering, or repairing electrical power or control systems, any electrical wiring devices, equipment, or any other electrical apparatus. A person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus, or equipment for lighting, heating, power, or controls and who possesses any of the following qualifications:

a. Four years of practical experience as a journeyman electrician in charge of jobs.

b. Four years of experience in the design and construction of electrical systems.

(5) Journeyman electrician. A person who possesses necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment lighting, heating, or power or control covered by this chapter. He or she shall work under a master or state certified electrical contractor and shall be capable of doing work according to plans and specifications furnished to him or her and in accordance with standard rules and regulations governing such work.

(6) License. A valid and current certificate of registration issued by the director on behalf of the board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(7) Licensee. Any person holding a license.

(8) Person. A human person, not a legal entity.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 3; Acts 1988, No. 88-129, p. 184, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-4. Board of Electrical Contractors.

Current through the end of the 2010 Regular Session.

(a) The Alabama Board of Electrical Contractors is created.

(b) A person to be eligible for appointment to serve on the board shall be a citizen and resident of Alabama. Each person appointed to the board from each congressional district shall be actively engaged in the electrical construction business as a qualified person with electrical construction background of not less than five consecutive years, and shall hold certificates to validate his or her competence as an electrical contractor in the electrical construction field. The two persons appointed to the board as at-large members shall be members of the Alabama State Electrical Workers Association. The membership of the board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) The board shall consist of nine members to be appointed by the Governor. One member shall be appointed from each congressional district, and there shall be two at-large members who shall be appointed from within the state. The board members from the First, Second, and Third Congressional Districts shall be appointed for terms of one year; the board members from the Fourth, Fifth, and Sixth Congressional Districts shall be appointed for terms of two years; and the board member from the Seventh Congressional District as well as the at-large members shall be appointed for terms of three years. Thereafter, all board members shall be appointed for terms of three years. Each term shall expire on June 30 of the last year of the term, and no member shall serve more than two consecutive three-year terms. Vacancies on the board for any cause shall be filled by appointment by the Governor for the remainder of the unexpired term. Members shall serve until their successors are appointed.

(d) The board shall meet at least semiannually and as often as necessary. The board shall meet annually to elect officers from its membership, whose initial terms shall expire on June 30 next following their election. Special meetings of the board may be held as the board provides in its rules and regulations. The board shall meet at least once in the first quarter and once in the third quarter of the year. Five members of the board shall constitute a quorum.

(e) The board may adopt rules and regulations to carry out this chapter.

(f) Any member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony concerning all matters within the jurisdiction of the board.

(g) The board may sue and be sued in its official name. Absent negligence, wantonness, recklessness, or deliberate misconduct, members of the board are immune from liability for all good faith acts performed in the execution of their duties of the board.

(h) The board shall adopt a seal for its use containing the words: Alabama Electrical Contractors' Licensing Board.

(i) The board may employ, and at its pleasure discharge, an executive director. The board may hire other officers and administrative employees which may be necessary to implement this chapter. The

board may employ, on an as needed basis, an investigator to investigate complaints. The board shall not employ electrical inspectors nor provide for any electrical inspections. The board shall outline the duties and fix the compensation and expense allowances of all employees pursuant to the Merit System Act of Alabama.

(j) The board is subject to the Alabama Sunset Law and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2012, and every four years thereafter, unless a bill is enacted that the board be continued, modified, or reestablished.

(k) Each board member shall be accountable to the Governor for the proper performance of his or her duties as a member of the board. The Governor shall investigate any complaints or unfavorable reports concerning the actions of the board and shall take appropriate action thereon, including removal of any board member for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, or permanent inability to perform official duties. A board member may be removed at the request of the board after failing to attend three consecutive properly noticed meetings.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 4; Acts 1988, No. 88-129, p. 184, § 1; Acts 1995, No. 95-747, p. 1698, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-5. Compensation of board members.

Current through the end of the 2010 Regular Session.

The members of the board shall receive up to three hundred dollars (\$300) per day with a limit of 15 days per year while performing their official duties, in addition to the same per diem and mileage as provided to state employees.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921 p. 201 § 5; Act 2010-540, p. 932, § 1.)

§ 34-36-6. Powers and duties of board.

Current through the end of the 2010 Regular Session.

(a) By rule, the board shall make provisions to do all of the following:

(1) Prepare or approve all examinations of applicants for licenses for electrical contractors and journeyman electricians.

(2) Determine the qualifications of electrical contractors to engage in the business of electrical contracting.

(3) Determine the qualifications of journeyman electricians to engage in electrical work.

(4) Provide for the investigation of written complaints filed with the board concerning alleged violations of this chapter and any rules adopted by the board.

(b) The board may suspend, revoke, or refuse to issue or renew a license and impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000), after notice and opportunity for a hearing pursuant to the Alabama Administrative Procedure Act, upon proof of any of the following actions by a licensee or applicant:

(1) Violating any provision of this chapter.

(2) Attempting to procure a license to practice electrical contracting or to work as a master electrician or journeyman electrician by bribery or fraudulent misrepresentations.

- (3) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of electrical contracting, working as a journeyman electrician, or the ability to practice electrical contracting or to work as a master electrician or journeyman electrician.
- (4) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed electrical contractor, master electrician, or journeyman electrician.
- (5) Being found guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of electrical contracting or working as a master electrician or journeyman electrician.
- (6) Practicing on a revoked, suspended, or inactive license.
- (7) Aiding or abetting any person to evade any provision of this chapter.
- (8) Knowingly combining or conspiring with any person by allowing one's license to be used by any unlicensed person with the intent to evade this chapter. When a licensee allows his or her license to be used by any firm, partnership, association, or corporation without having any active participation in the operations or management of the firm, partnership, association, or corporation, such act constitutes prima facie evidence of an intent to evade this chapter.
- (9) Acting in the capacity of a contractor under any license issued under this chapter except in the name of the licensee as set forth on the issued license.
- (c) Upon finding a person, corporation, or business entity engaged in electrical contracting as defined in this chapter to be in violation of any of the provisions contained herein, the board may investigate the activities of licensed and unlicensed contractors. If the board finds that a person, corporation, or business entity is engaged in performing electrical contracting covered by this chapter without having obtained a proper license, the board may do any of the following:
 - (1) Deny an application for licensure with cause.
 - (2) Impose an administrative fine of not more than five thousand dollars (\$5,000).
 - (3) Issue a cease and desist order.
 - (4) Petition the circuit court of the county where the act occurred to enforce the cease and desist order or collect the assessed fine, or both.
- (d) Any person aggrieved by any adverse action taken by the board may appeal the adverse action to the circuit court of the county in which the adverse action occurred in accordance with the Alabama Administrative Procedure Act.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 6; Acts 1988, No 88-129, p. 184, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-7. Examinations; reciprocity with other states; issuance of license; qualification requirements.

Current through the end of the 2010 Regular Session.

- (a) All applicants for licensure must submit a completed application, application fee, and supportive documentation of qualifications before taking an examination approved by the board. The board shall examine applicants at least once every three months according to the method deemed by it to be the most appropriate to test the qualifications of applicants. Any national standardized or written examination proctored by an independent third party which the board shall approve as substantially similar to the examination required to be licensed under this chapter may be administered to all applicants in lieu of or in conjunction with any other examination which the board shall give to test

the qualifications of applicants. The board shall also have the right to establish such norms of achievement as shall be required for a passing grade. The board may, by rule, adopt the National Electrical Code for the purpose of examinations.

(b) The board may recognize a license issued by any other state that, in the opinion of the board, has standards of practice or licensure equal to or higher than those required by this state. The board shall actively seek to reciprocate with those states meeting such standards. The board shall actively seek to maintain those states currently under agreement.

(c) No license shall be issued except in compliance with this chapter and none shall be issued except to a person or a person in a firm, partnership, association, or corporation. A firm, partnership, association, or corporation, as such, shall not be licensed.

(d) An individual who has successfully passed, on or before January 1, 2010, with a minimum score of 70 percent, or an individual who has successfully passed after January 1, 2010, with a minimum score of 75 percent, a nationally standardized proctored electrical examination administered in the State of Alabama, by Block and Associates, International Code Council, Experior, Promissor, Thomson Prometric, PROV, or any other exam approved by the board, shall be deemed to be in compliance with the testing requirement set forth by the board for licensure as an electrical contractor. Individuals meeting this qualification shall also be required to complete all other qualifications set forth by this chapter and the board prior to issuance of an electrical contractor license. Electrical contractor applicants affected by this provision shall have until July 1, 2011, to apply for licensure without any further examination requirements.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 7; Act 2003-482, p. 1485, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-8. Expiration and renewal of licenses; continuing education; inactive status.

Current through the end of the 2010 Regular Session

(a) All licenses shall expire annually or at other times designated by the board. All applications for renewal of licenses shall be filed with the director prior to the expiration date, accompanied by the annual renewal fee prescribed by the board.

(b) The board is authorized to establish or adopt, or both, education requirements and may approve the program or programs providing education to fulfill the requirements. The board shall set the minimum standards of education. All persons holding an electrical contractor license shall be required to complete 14 hours of continuing education every two years.

(c) The board may promulgate rules regarding the approval of continuing education courses and the accounting for continuing education hours.

(d) Any person licensed by the board may elect an inactive status certificate by notifying the board in writing. The fee for the issuance and renewal of an inactive status certificate shall be established by the board. The board shall provide by rule those activities which an inactive status certificate holder may engage in and for a procedure for the reinstatement as an active status certificate holder.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 8; Act 2010-540, p. 932, § 1.)

§ 34-36-9. Failure to renew license; restoration fee; new license.

Current through the end of the 2010 Regular Session.

An expired license for an electrical contractor which has expired for failure to renew may only be restored within five years from the date of expiration after application and payment of the prescribed restoration fee and satisfaction of all continuing education requirements. The restoration fee shall be established by the board and shall be due upon application for restoration. The restoration fee shall be in addition to all accrued renewal fees. Any license which has not been restored within five years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such a cancelled license may apply for and obtain a valid license only upon compliance with all relevant requirements as prescribed by this chapter or by rule for issuance of a new license.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No 85-921, p. 201, § 9; Act 2010-540, p. 932, § 1.)

§ 34-36-10. Expiration of suspended licenses.

Current through the end of the 2010 Regular Session.

A suspended license is subject to expiration and must be renewed or restored as provided in this chapter during the term of suspension.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 10.)

§ 34-36-11. Fees.

Current through the end of the 2010 Regular Session.

The board is empowered to establish and charge reasonable fees for the administration of examinations, issuance of all active and inactive licenses, and supplying information to applicants, licensees, and the general public. Such fees shall be commensurate with the cost of fulfilling the duties of the board as defined in this chapter.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 11.)

§ 34-36-12. Display of licenses.

Current through the end of the 2010 Regular Session.

Every person holding a license issued by the board shall display it in a conspicuous manner at his or her principal place of business.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 12.)

§ 34-36-13. License required; exemptions.

Current through the end of the 2010 Regular Session.

(a) No person shall engage in the electrical contracting business or perform work as a master or journeyman electrician unless such person shall have received a license from the board or from the county or municipality where the electrical contracting work is being performed; provided, however, the provisions of this chapter shall not apply:

(1) To the installation, construction, or maintenance of power systems for the generation and secondary distribution of electric current constructed under the provisions of the National Electrical Safety Code which regulates the safety requirements of utilities.

(2) To the installation, construction, maintenance, or repair of telephone or signal systems by or for public utilities or their corporate affiliates, when such work pertains to the services furnished by such utilities.

(3) To any technician employed by a municipal franchised CATV system.

(4) To any master or journeyman electrician employed by a state licensee of the board or a licensee of a county or municipality where the contract work is being performed.

(5) To the owner of any premises or an employee of any such owner when performing electrical work or installing, constructing, maintaining, altering, or repairing electrical wiring, equipment, or apparatus on such premises.

(6) To an employee of an electric utility when installing or repairing electric appliances and equipment for a customer.

(7) To any retail merchant, or its employees making the installation of or the repair or maintenance on any appliance that the merchant has sold; or to any modular or manufacturer of the housing industry within the state which is regulated by state and federal governments.

(8) To the installation, construction, or maintenance of systems that operate on 25 volts or less.

(9) To the installation, construction, or maintenance of direct broadcast satellite services.

(b)(1) No license shall be issued by the board without an examination of the applicant for the purpose of ascertaining his or her qualifications for such work, but no such examination shall be required for the annual renewal of such license.

(2) This section shall in no way prohibit the governing authorities of each county and municipality in the State of Alabama from exercising their authority to require any person engaging in the electrical contracting business or performing work as a master or journeyman electrician to stand and attain a passing grade on an examination administered by such county or municipality to evidence their ability and proficiency to engage in the electrical contracting business or to perform work as a master or journeyman electrician within their jurisdiction; provided, however, that any person who holds a valid statewide license issued by the board shall be deemed qualified and, upon satisfactory proof of the license, shall be allowed to perform forthwith electrical work in any county or municipality under the terms and conditions set forth in this chapter, if such person has the proper county or municipal building permit and business license.

(c) All persons performing work under a license issued by the board must abide by all state and local laws and ordinances.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 13; Acts 1988, No. 88-129, p. 184, § 1; Act 2010-540, p. 932, § 1.)

§ 34-36-14. Electrical Appeals and Advisory Board; appointment, qualifications, terms, and compensation of members; rules for appeals.

Repealed by Act 2010-540, p. 932, § 3, effective July 1, 2010.

Current through the end of the 2010 Regular Session.

§ 34-36-15. Injunctive power.

Current through the end of the 2010 Regular Session.

Electrical contracting involves activities affecting the public interest and the health, safety, and welfare of the public. Such activities, when engaged in by a person who is not licensed, are a public nuisance and harmful to the public health, safety, and welfare. The board or the district attorney of the circuit where such nuisance exists may bring a petition to restrain and enjoin such unlicensed practice in the district court of the county where such unlicensed person resides. It shall not be necessary in order to obtain the equitable relief provided herein to allege or prove that there is no adequate remedy at law.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 15; Act 2010-540, p. 932, § 1.)

§ 34-36-16. Violations; penalties.

Current through the end of the 2010 Regular Session.

(a) It shall be unlawful for any person to violate any provision of this chapter regulating electrical contracting, and any person convicted of such violation shall be punished as prescribed for a Class A misdemeanor.

(b) It shall be unlawful, except as otherwise provided, on or after December 31, 2011, for a person not licensed as an electrical contractor to solicit, represent, seek to perform, or perform those tasks and functions that can only be performed by a licensed electrical contractor in accordance with this chapter.

(c) Subsection (b) shall not apply to an electrical contractor who has taken an examination offered by the board within the preceding 12 months, who holds a license or permit issued by a county or municipal government to perform the tasks and functions that can only be performed by a licensed electrical contractor, and who performs those tasks and functions within the boundaries of the county or municipality that issued the license or permit.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 16; Act 2010-540, p. 932, § 1.)

§ 34-36-17. Funding.

Current through the end of the 2010 Regular Session.

There is hereby established a separate fund in the State Treasury to be known as the Alabama Board of Electrical Contractors Fund. All money derived under the provisions of this chapter shall be deposited in this fund and used only to carry out the provisions of this chapter. Such fund shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the director of the board; provided, that no funds shall be withdrawn or expended except as budgeted

and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12, and only in amounts as stipulated in the general appropriation or other appropriation bills. Any funds unspent and unencumbered at the end of any state fiscal year in excess of one hundred thousand dollars (\$100,000) shall be transferred into the State General Fund on or before January 15 of the succeeding year. In addition, there is hereby appropriated from the Alabama Board of Electrical Contractors Fund to the Alabama Board of Electrical Contractors the amount necessary to repay the State General Fund for any and all amounts expended therefrom and such repayment to the State General Fund shall be made as soon as funds are available.

CREDIT(S)

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, § 17; Act 2010-540, p. 932, § 1.)

§ 34-36-18. Construction of chapter.

Current through the end of the 2010 Regular Session

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This chapter shall not be construed as authorizing the employment of statewide electrical inspectors.

CREDIT(S)

(Act 2010-540, p. 932, § 2.)

Act 2010-540 County Notification Letter & Form



State of Alabama
Electrical Contractors Board
610 S. McDonough Street
Montgomery, Alabama 36104
(334) 269-9990
Fax (334) 263-6115

LAW CHANGES EFFECTIVE AUGUST 1, 2010

The Electrical Contractors Board was successful in having changes made to the current statute during the 2010 Legislative Session. These changes will allow the Board to do many things that the original statute would not allow. Act 2010-540 provides for the following:

- ✓ Further defines electrical contracting – includes commercial, industrial and residential
- ✓ Creates a one year period for examinations successfully passed before January 1, 2010, with a minimum score of 70% and is a nationally standardized proctored electrical examination in the State of Alabama (Section 34-36-7(d)) and meets all the current requirements as an electrical contractor, will be approved and issued an Alabama Electrical Contractor license without further examination. Applications must be received after August 1, 2010 and before July 31, 2011.
- ✓ Require electrical licensing in jurisdictions where no licensing is currently required.
- ✓ Establishes investigative authority for complaints, establishes disciplinary procedures and monetary fine limit
- ✓ Require Continuing Education
- ✓ Establishes an inactive license and restoration fee for expired licenses
- ✓ Repeals Electrical Appeals and Advisory Board (this entity has never been appointed or in existence since the inception of the original law in 1985)
- ✓ Extends the restoration period from 2 years to 5 years for electrical contractor licenses

This new act will become effective August 1, 2010. The rules and regulations will be reviewed and adopted at the next Board meeting on Monday, August 2, 2010. The draft will be placed on the Board's web site and will also be submitted to Administrative Procedures for the public comment

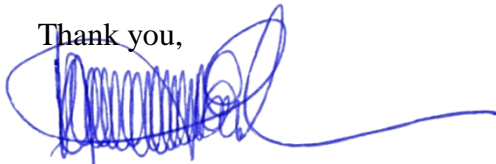
period. The most significant change is the recognition of certain examinations administered by local jurisdictions. Anyone that falls in that category will have one year (August 1, 2010 – July 31, 2011) to file an application based on their local examination without further examinations by this Board. After January 1, 2012, anyone applying for an electrical contractor license will have to pass the examination before a license is issued.

This new act will also allow the Board to create an inactive status for those licensees that are not currently working in the electrical contracting industry, to choose to place their license in an inactive status at a reduced fee for as long as the licensee needs until they desire to reactivate the license. It also extends the restoration period of a license from two years to five years without any further examination. After the five year period, the license becomes null and void and the individual must reapply for licensure and pass the examination.

Enclosed you will find a “Contact Information” form requesting information for your city or county in order for us to maintain this information in the office for future reference. You may duplicate this form accordingly to each contact person you choose for us to maintain in our records.

Act # 2010-540 is enclosed and also available on the board’s web site at www.aecb.alabama.gov. Please keep in mind that not all questions can be answered at this time but the Board and I will be diligently working to implement all these changes in a timely manner. If you do have a question, please email me at keith@warrenandco.com. I appreciate your assistance, cooperation and patience during this time.

Thank you,

A handwritten signature in blue ink, appearing to read "Keith E. Warren", with a long horizontal flourish extending to the right.

Keith E. Warren
Executive Director



State of Alabama

Electrical Contractors Board

610 S. McDonough Street
Montgomery, Alabama 36104
(334) 269-9990
Fax (334) 263-6115

CONTACT INFORMATION

**(MAY USE SEPARATE FORMS FOR REVENUE OFFICER, ELECTRICAL
INSPECTOR, BUILDING OFFICIAL)**

NAME _____

PHYSICAL

ADDRESS _____

MAILING

ADDRESS _____

CITY, ST, ZIP _____

OFFICE TELEPHONE _____

FAX NUMBER _____

CELLULAR NUMBER _____

EMAIL ADDRESS _____

RETURN TO:

Kim Starnes, Administrative Assistant

By mail or fax (334/263-6115)

Board Members



State of Alabama

The Alabama Board of Electrical Contractors

610 S. McDonough Street
Montgomery, Alabama 36104
(334) 269-9990
Fax (334) 263-6115
www.aecb.alabama.gov

May 4, 2011


Robin Hutcheson
Examiners of Public Accounts
Post Office Box 302251
Montgomery, Alabama 36130-2251

Dear Ms. Hutcheson:

Please find attached a list of all currently appointed Board members along with their contact information, districts and term expirations.

Please let me know if you need any additional information. Thank you for your assistance and cooperation in this matter.

Sincerely,



Keith E. Warren
Executive Director

Electrical Contractors Board Members

Mr. Albert Hensley, Chair

Fairhope, Alabama
First Congressional District
Expiration: June 30, 2013
Male, Caucasian

Mr. Chuck Turner

Tuscaloosa, Alabama
Seventh Congressional District
Expiration: June 30, 2012
Male, Caucasian

Mr. Mack N. Butler

Rainbow City, Alabama
Fourth Congressional District
Expiration: June 30, 2011
Male, Caucasian

Mr. Terry Wallace

Dothan, Alabama
Second Congressional District
Expiration: June 30, 2013
Male, Caucasian

Mr. Carmon Colvin, Vice Chair

Pinson, Alabama
Sixth Congressional District
Expiration: June 30, 2011
Male, Caucasian

Mr. Donald R. Cook

Pelham, Alabama
State at Large Position
Expiration: June 30, 2012
Male, Caucasian

Mr. Ronald D. Weaver, Jr.

Florence, Alabama
State at Large Position
Expiration: June 30, 2012
Male, Caucasian

Mr. Robert Lamborne

Alexander City, Alabama
Third Congressional District
Expiration: June 30, 2013
Male, Caucasian

Mr. Robert Carl Goss

Decatur, Alabama
Fifth Congressional District
Expiration: June 30, 2011
Male, Caucasian

RESPONSE TO SIGNIFICANT ISSUES



State of Alabama
The Alabama Board of Electrical Contractors

610 S. McDonough Street
Montgomery, Alabama 36104
(334) 269-9990
Fax (334) 263-6115
www.aecb.alabama.gov

October 6, 2011

John E. Norris
Director, Operational Division
Post Office Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

Please find attached the Boards responses to the significant issues you submitted on September 26, 2011. Please do not hesitate to contact me should you have any questions pertaining to our responses.

I greatly appreciate your assistance and cooperation in this matter and during the examining process.

Respectfully Submitted,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Keith E. Warren
Executive Director

RESPONSES TO SIGNICANT ISSUES

Significant Issue 2011-01

The Board announces rule changes, policy changes and statutory changes on the web site in a very timely manner. The Board is also obtaining correct email information to be held in our database to begin electronic notifications directly to the licensees. The Board has not published a newsletter in several years. However; we will be publishing a newsletter regarding all of the changes from Act 2010-540 as well as rule changes that have been advertised on the Board's website. The Board makes every effort to keep licensees and other effected entities up to date on the web site. The Board will strive to increase communication to eliminate any complaints from its licensees.

Significant Issue 2011-02

The Board worked for many years to achieve the passage of this legislation. The primary goal and responsibility of this Board is to protect the citizens of the State of Alabama in regards to the electrical industry. This Act is one step of many to implement state-wide licensure requirements of electricians to better protect Alabama citizens. Now that the Board has entered a new fiscal year with a increased budget, there will be a state-wide media campaign launched in the next couple of weeks regarding the changes in licensure as well as informing the public to be aware of licensure requirements for the electrical industry. The Board is very thankful to the Alabama Legislature and its sponsors, Rep. Micky Hammon and Sen. Del Marsh, for passing this legislation to better the electrical industry in regards to credentialing and examining electrical contractors and journeyman electricians.

Significant Issue 2011-03

While there is no express authority to issue provisional state licenses, Ala. Code §34-36-6 establishes that the Alabama Board of Electrical Contractors regulates the issuance of licenses to qualified persons in electrical contracting, whether as a contractor or a journeyman. The Legislature recognizes that “[e]lectrical contracting involves activities affecting the public interest and the health, safety, and welfare of the public.” Ala. Code §34-36-15. The authority to issue provisional licenses is implied by statute. Furthermore, “Board members are charged

with safeguarding homeowners, other property owners and tenants against faulty, inadequate, inefficient, or unsafe electrical installations, and to protect the life, health and property of homeowners, other property owners and tenants in the *State of Alabama* ABEC Rule 303-X-1-.07 (3), Powers and Duties of the Board (emphasis added).

The issuance of provisional licenses further that general purpose by allowing the Board to maintain records on the myriad of locally licensed electrical contractors who otherwise would not be in our database. Without this information, we would not be able to notify those who only hold local license about changes in the law or rules and regulations which may affect them, even though they may not hold a state-wide license. Provisional licenses are issued only to those who hold a valid city, county or municipality license.

The Board did introduce legislation during the 2011 Legislative Session that would have added the word “provisional license” to the particular code section as well as repealing the examination requirement for the provisional license holder. The Board will introduce this same legislation during the 2012 Legislative Session.